

REMARKS

In the Office Action, the Examiner rejected claims 1-30 and 92-140. Applicants canceled claims 31-91 in a previous communication. By the present Response, Applicants amend claims 1, 23, 92, 104, 113, and 132 to further clarify the claimed subject matter and cancel claims 21, 22, 28-30, 110-112, and 138-140. Upon entry of the amendments, claims 1-20, 23-27, 92-109, and 113-137 will remain pending in the present patent application. Applicants respectfully request reconsideration of the above-referenced application in view of the following remarks.

Rejections Under 35 U.S.C. §§ 102 and 103

In the Office Action, the Examiner rejected claims 1-14, 16-27, 113, 114, 117, 120-128, and 130-137 under 35 U.S.C. § 102(b) as anticipated by Lampotang et al. (U.S. Patent No. 6,597,939). Further, the Examiner rejected claims 15, 28-30, 115, 116, and 138-140 under 35 U.S.C. § 103(a) as unpatentable over Lampotang et al. The Examiner also rejected claims 1-23, 25-30, 92-105, 107-133, and 135-140 as unpatentable over Watrous (U.S. Patent No. 5,967,981) in view of Orlando (U.S. Patent No. 4,657,025). Additionally, the Examiner rejected claims 24, 106, and 134 as unpatentable over Watrous in view of Orlando and Lampotang et al., and claims 92-112, 118, 119, and 129 as unpatentable over Lampotang et al. in view of Orlando. Applicants respectfully traverse these rejections.

Legal Precedent

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Moreover, the prior art reference also must show the identical invention “in as complete detail as contained in the ... claim” to support a

prima facie case of anticipation. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

Also, the burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). When prior art references require a selected combination to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gained from the invention itself, i.e., something in the prior art as a whole must suggest the desirability, and thus the obviousness, of making the combination. *Uniroyal Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988).

Deficiencies of the Rejections

Applicants respectfully note that the present claims recite subject matter believed to be absent from the prior art of record. For instance, independent claim 1 recites, among other things, “calculating a prediction error between a predicted time and an actual time of the future occurrence.” Claim 1 also recites “adjusting the predicted time based on the prediction error, wherein adjusting the predicted time comprises *adjusting in real-time* the predicted time interval based on the prediction error” (emphasis added).

Independent claims 92 and 113 include similar recitations. Because the cited references fail to disclose each and every element, including those provided immediately above, the Watrous and Lampotang et al. references each fail to anticipate the instant claims. Further, even considered in combination, the cited references fail to establish a *prima facie* case of obviousness and otherwise fail to fairly enable one skilled in the art to practice the presently claimed techniques. Consequently, Applicants respectfully submit that independent claims 1, 92, and 113 are allowable over the prior art of record. Accordingly, Applicants respectfully request withdrawal of the present rejections and allowance of independent claims 1, 92, and 113.

Applicants further note that each of claims 2-20, 23-27, 93-109, and 114-137 depends from one of independent claims 1, 92, and 113. As discussed above, the Lampotang et al. and Watrous references fail to separately disclose each element of independent claims 1, 92, and 113. Further, neither the combination of these references nor the combination of either or both of these reference with the Orlando reference obviates the deficiencies of the Lampotang et al. and Watrous references. As a result, dependent claims 2-20, 23-27, 93-109, and 114-137 are allowable on the basis of their dependency from a respective allowable independent claim, as well as for the subject matter separately recited in these dependent claims. Accordingly, Applicants respectfully request withdrawal of the Examiner's rejection and allowance of claims 2-20, 23-27, 93-109, and 114-137.

For at least these reasons, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §§ 102 and 103, and allowance of claims 1-20, 23-27, 92-109, and 113-137.

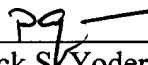


Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: October 24, 2005



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